Prisons

G. R. S. 58]

Previous references.

File No. 31-14

1914.

(S & A)

Serial Nos. 9, 18,

Later references.

17

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 9, 18,

Part B for July 1915

SUBJECT.

Amendment of the Mysore Service Regulations

From the Comptroller.

No. 9, No: 6605 / S.A.585 Dt. 8-3-1915.

Brings to notice the necessity for making clear the provisions relating to the grant of privilege leave on full pay to officers transferred from a Vacation to a non-Vacation Deptt and suggests the framing of a new rule as drafted by him.

GPB—10,000—23-3-15

The A & C has been issued, Vide list No. 25 Dt 19-8-15, 4th Edition M.S.R.

M. Parthasarathy Naidu
16-10-1915.

G.R.S. 11] 1914.

GENERAL AND REVENUE SECRETARIAT

(S & A)

NOTES.

File No. 31—14

FILE HEADING.

Amendment of the Mysore Service Regulations

From

The Comptroller

No. 6605 / S.A 585 Dated 8th March 1915 Received 10th March 1915

Diary No. 3657	Enclos. -	Spare Copies.	Serial No. 9.

BRIEF ABSTRACT OF LETTER.

Briggs to notice the necessity for making clear the provisions relating to the grant of privilege leave on full pay to officers transferred from a vacation to a non vacation department and suggests the framing of a new rule as drafted by him.

NOTES AND ORDERS.

1. The Comptroller brings to notice that Art-189 M.S.R. provides for the grant of privilege leave on full pay in the case of officers transferred from a non-vacation department to a vacation department but that there are no provisions in

NOTES—First Sheet.

GPB—35,000--15-6-12

Serial No.

the Mysore Service Regulations to meet the claims for privilege leave on full pay of officers transferred from a vacation to a Non vacation department and that the cases of such transfers viz between Judicial & Rev Departments Inspection & Tutorial staff in the Educatl Deptt being freely allowed, necessity has arisen to define the rules & regularise the practice obtaining in his office. There is also no rule in the Civil Service Regulations on the subject.

2 At the present the Comptroller's office is adopting the procedure obtaining in British India, viz, to count the service of the officer spent by in the vacation department after enjoying the last vacation, as qualifying for privilege leave on full pay. (Rulings on pages 58 & 59 of the Madras supplement to C.S.R. & page 61 of the Bengal Companion to C.S.R. are relied on.). It is argued that this practice is not opposed to the Mysore Service Regulations and recommended that the service of the officer in the vacation department since the last vacation enjoyed by him

NOTE—Contn. sheet.

GPB—25,000—22-3-15

Serial No.

up to the date of his transfer to the non vacation department may be held as qualifying for privilege leave on full pay :-

3. This view is supported by the rulings contained in the Bengal Companion to C.S.R. [Extract put up] but it is not clear whether the "privilege leave" referred to in line 6 of rule 1 under Art 271 C.S.R (on page 58, Madras Supplement) means privilege leave on full pay under the ordinary rules or privilege leave on half pay as referred to in line 3 thereof :-

5 days rule violated. ks. 19.4.15

AM-67 17/4/15

4. Does in the British C.S.R an article corresponding to what is now proposed does not exist - It is therefore not clear if it is really necessary to introduce an article in the M.S.R. as suggested. If it is considered necessary, the Comptr's proposal - which is clearly explained in his letter - may be accepted.

ks. 19.4.15

Reserve

5. The Comptroller's suggestion may be accepted

Mr 17/5

Mr. member)

NOTE—Contn. sheet.

GPB—25,000—22-3-15

1595

R. S. 12]

General and Revenue Secretariat. | S & A File No. 31 of 1914.

Serial No.

6) I agree. Only I should alter the expressions vacation & non-vacation Depts:-

6/5/15 [signature]

1742 (Desai)

7) "From a dept^n in which regular vacations are allowed to one in which such vacations are not allowed" may be substituted pr "from a vacation to a non-vacation dept^n" — [signature]

8/5 [signature]

218 10-5-15 (Desai)

8 Approved.

[signature]

14/5/15

(Desai for circulation) Council Matter

9 I approve

20/5 [signature]

10 approved.

[signature]

26.5.15

11 Draft Submission to Secretary of State 29/5

1907 (Desai)

12) Why "letter" for "despatch" in

NOTE—Contn. sheet.

GPB—25,000—22-3-15

3657

R. S. 12]

General and Revenue Secretariat. | SfA File No. 31 of 1914.

Serial No.	
	the added article? Also, details about purely verbal alterations need not be put in subsequent notes — M
	16/6 Typed draft to be put up by
	14 Typed copy sent DMH 17.6.15
7917 18.6.15.	Deewan)
	16/6.

NOTE—Contn. sheet.

GPB—25,000—22-3-15

For disposal by Circulation.

5

No. C. 627.

18. 5. 1915.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

15 Insertion of a new article as Article 188 A. in the Mysore Service Regulations in regard to the privilege leave admissible to officers transferred from a department in which regular vacations are allowed to one in which such vacations are not allowed.

16 CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Deputy *Secretary to Government.*

18th May 191 5.

---

17 **Extraordinary Member of Council.** approved by the Extraordinary Member. 6/5/15

18 **First Member of Council.** Approved by the First Member of Council.

19 **Second Member of Council.** opinion recorded below 2nd member

GPB—1,000—28-8-14

b

(7

Submitted to His Highness.

*Paper under disposal

20 The Comptroller has brought to the notice of Government that the Mysore Service Regulations as they stand at present are silent about the privilege leave which an officer carries with him when transferred from a department in which vacations are allowed to one in which there are no vacations. He states that in actual practice the British Indian rule of allowing such an officer to carry with him a title to privilege leave on full pay from the date on which the last vacation enjoyed by him terminated is being followed. With a view to make the practice regular he suggests the introduction of a new Article 188 A in the Mysore Service Regulations which with a little verbal alteration suggested by me stands thus:-

*Para 2 of D.O.

*Para 3 of D.O.

21 188 A. An officer transferred from a department in which regular vacations are allowed to one in which such vacations are not allowed counts as service for privilege leave on full pay, the period of his service in the former Department from the date on which the last vacation enjoyed by him terminated.

22 2. The Members of Council agree to the proposed addendum to the Mysore Service Regulations which may be graciously sanctioned.

*Para 4 of the Office note.

13/7/15

H. Manjunadayya

18

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

23 Insertion of a new article in the Mysore Service Regulations regarding the privilege leave admissible to officers transferred from a department in which regular vacations are allowed to one in which there are no vacations.

57

24 *Order.*

~~KRW~~

16/7/15

17/7/15

Order (91)

Offs.

F. R. S. 12]

3657

General and Revenue Secretariat. | S1a File No. 31 of 1914-15.

Serial No.	
25	2 drafts subd.
	DMB 21.7.15. Offr 2 Hb. Issue 1e 22.7.15
	The Asc has been issued vide list no 25 dt 19.8.15, 4 Wc.Sr msgs.
	Asc 719

Received B

NOTE—Contn. sheet.

GPB—25,000—30-4-15.

Gl. 17]

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted and addressed to the Comptroller, Mysore Government window dilivery No. 6, Bangalore.

DIARY NO. 3657
DATE 14-3-15
SECTION: S & G
FILE NO. 31-14.
MISCELLANEA 9

the communications.

No. S.A. 585 OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 8th March *1915*

FROM M. N. Krishna Rao, Esq., B.A.,
~~xxJxxS.xCHAKRAVARTI, Esq., M. A.,xx~~
~~xxFxRxAxSxxETC.,~~
Offg. *Comptroller to the Government of His Highness the Maharaja of Mysore.*

To

~~.....Esq.,~~

The Offg. *Secretary to the Government of Mysore,*

.....Financial.....*Department.*

SIR,

I have the honour to point out that, while article 189, Mysore Service Regulations allows an officer transferred from a non-vacation to a vacation Department, to carry with him a title to the privilege leave earned in the former, there is no explicit provision in the regulation as to the title of an officer transferred from a vacation to a non-vacation department to Privilege Leave on full pay by counting any part of his service in the vacation department.

2. In actual practice, this office follows the procedure obtaining in British India and an officer transferred from a vacation department (after enjoying the vacation) to a non-vacation department is regarded as carrying with him a title to privilege leave on full pay under the ordinary rules from the date on which the last vacation enjoyed by him terminated. (Vide pages 58 and 59 of the Madras supplement and Page 61 of the Bengal Companion to the Civil Service Regulations). This practice is not opposed to the Mysore Service Regulations inasmuch as all the difference in the rules applicable to officers in the vacation and non-vacation departments lies only

in the

Rec.—Gl. 17]

.....Department.

19/5

FROM

J. S. CHAKRAVARTI, ESQ., M. A.,
F. R. A. S., ETC.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore.

To

.....ESQ.,

Secretary to the Govt. of Mysore.

Jud & Pers .....Dept.

Dated

Despatched 9-3-15

Received

No. 7005/585

Subject matter.

Requesting to obtain the orders of Govt. to authorise advance procurement as stated 188A. in the M.S. Rules

GPB—2,000—17-7-12

in the fact that in the case of officers in the vacation department there is the presumption that they will avail themselves of the vacation . When an officer though in the vacation department cannot avail himself of the vacation he is in the same condition as an officer in the non-vacation department. In the case of an officer transferred to a non-vacation department, the presumption ordinarily applicable to an officer in the vacation department viz., that he will avail himself of the next vacation does not exist, and his service in the vacation department after his last return from vacation uptodate of transfer to the non-vacation department can be regarded as service qualifying for privilege leave under the ordinary rules.

3. Cases of transfers from the vacation to non-vacation departments and vice versa are not uncommon in Mysore. Such transfers are freely allowed and even recommended in the Civil Service Rules between the Judicial and Revenue Departments, and between the Inspection and Tutorial staff in the Education Department. It is desirable to make the rules for the grant of privilege leave in the case of such officers clear. I, therefore, request you to be so good as to obtain the orders of Government to introduce the following provision as article 188 A in the Mysore Service Regulations:--

188 A "An officer transferred from a vacation to a non-vacation department, counts as service for privilege leave on full pay, the period of his service in the latter department from the date on which the last vacation enjoyed by him terminated".

I have the honour to be,

Sir,

Your most obedient servant,

Offg. Comptroller.

SDV

Enc: to S/H 31-14-9

Privilege leave in cases of Regular vacations

Transferred from a vacation to a
Non vacation Department.

An Officer transferred from a Vacation to a Non-vacation Department, may count the period of his service in the latter Department from the date on which the last vacation ended as service for privilege leave, inasmuch as the previous presumption that he would avail himself of the vacation when the time came is negatived by his transfer to a Non-Vacation Department.

[G.I.F.D., No. 3531-P, dt 18-8-1893]

An Officer transferred temporarily from a Vacation to a Non-Vacation Department is entitled, on retransfer, to count his service in the Non-vacation Department for privilege leave under the ordinary rules with effect from the date of his

his transfer to that Department, and not from the date of termination of the last preceding vacation.

[G.I.F.D, No. 78-, & 21.2.1891.]

—

Any of the vacations may be taken into account.

In determining the amount of privilege leave, on which full pay may be drawn by an Officer under Articles 272 & 274, any of the vacations not enjoyed by the Officer during his uninterrupted service should be taken into account. There is nothing in the rules which makes it necessary to take into account only the 33 months immediately preceding the date from which the vacation Department Officer applies for leave.

[G.I.F.D., 2262-P., & 22.5.1897]

—

Right to full pay privilege leave is not forfeited by the enjoyment of a subsequent vacation.

The right to privilege leave on full pay earned by being detained on

duty

duty during vacation is not forfeited by the officer enjoying a subsequent vacation.

[G.I.F.D. No. 2819, dt. 19.8.1886]

Time actually spent in travelling and not the time admissible is to be taken into account.

The calculation under which the amount of privilege leave on full pay is determined should be based on that part of the vacation which an officer is precluded from enjoying by reason of his transfer; and in making the calculation, the time actually spent in travelling from one station to the other and not the full joining time admissible under the rules, should be added to the period by which the vacation actually enjoyed falls short of the full period of the vacation.

[G.I.F.D. 3120-P. dt. 24.7.1897 ....]

G.R.S. 28]

2015

File No. 21-14

Serial No. 18

Diary No. of letter replied to 3657

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 191 .

Date of issue 2-8-15

Signed by L Shamanna

READ—

Letter No. 6605/S.A.585 dt: the 8th March 1915 from the Comptroll to Govt. stating that the M.S.R. as they stand at present are silen about the privilege leave which an officer carries with him whe transferred from a department in which vacations are allowe to one in which there are no vaca that in actual practice the Brit over India

ORDER THEREON. No.

SUBJECT.

GPB—50,000—1-12-12

practice rule of allowing such
an officer to carry with him a title
to privilege leave on full pay from the
date on which the last vacation
enjoyed by him terminated is being
followed. and Suggesting ~~with a~~
~~view to regularise the practice~~ the
introduction of a new art: 188 A in
the M.S.R. ~~providing for~~ authorising the existing practice
~~as drafted by him~~.

Order Thereon. No H 5482 2nd August/15

The Suggestion made by
the ~~Comptroller~~ is accepted.

2. The necessary addendum to the
M.S.R will issue in the usual course

22.7.15
for H. Lee.

21.7.15

To

The Comptroller.

8

G. R. S. 26]

S1a File No. 31

Serial No. 714.

Diary No. of letter replied to

No.

General and Revenue Secretariat

( )

, *the* 191 .

To

A and b.

to the Myanmar Service Regulns

Date of issue

Signed by

Art. Page

188-A. 60.

Insert the following as a new art: —

188-A:- An officer transferred from a department in which regular vacations are allowed to one in which such vacations are not allowed counts as service for privilege leave on full pay,

over. The

SUBJECT.

the period of his service in the former department from the date on which the last vacation enjoyed by him terminated.

22.7.15

For H. Secy

DMB
21.7.15

List of enclosures,

Copied by

Examined by

GPB—25,000—8-8-11.